

EHB 1453 - S COMM AMD

By Committee on State Government & Elections

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 29A.32.010 and 2003 c 111 s 801 are each amended to
4 read as follows:

5 The secretary of state shall, whenever at least one statewide
6 measure or office is scheduled to appear on the general election
7 ballot, print and distribute a voters' pamphlet.

8 The secretary of state shall distribute the voters' pamphlet to
9 each household in the state, to public libraries, and to any other
10 locations he or she deems appropriate. The secretary of state shall
11 also produce (~~taped~~) recorded or Braille transcripts of the voters'
12 pamphlet, publicize their availability, and mail without charge a
13 copy to any person who requests one.

14 The secretary of state may make the material required to be
15 distributed by this chapter available to the public in electronic
16 form. The secretary of state may provide the material in electronic
17 form to (~~computer bulletin boards~~) web-based, print, and broadcast
18 news media, (~~community computer networks,~~) and similar services at
19 the cost of reproduction or transmission of the data.

20 **Sec. 2.** RCW 29A.32.020 and 2003 c 111 s 802 are each amended to
21 read as follows:

22 No person or entity may publish or distribute any campaign
23 material that is deceptively similar in design or appearance to a
24 voters' pamphlet that was published by the secretary of state during
25 the ten-year period before the publication or distribution of the
26 campaign material by the person or entity. The secretary of state
27 shall take reasonable measures to prevent or to stop violations of
28 this section. Such measures may include, among others, petitioning
29 the superior court for a temporary restraining order or other
30 appropriate injunctive relief. In addition, the secretary may request

1 the superior court to impose a civil fine on a violator of this
2 section. The court is authorized to levy on and recover from each
3 violator a civil fine not to exceed the greater of: (1) (~~Two~~) Five
4 dollars for each copy of the deceptive material distributed, or (2)
5 (~~one thousand dollars~~) \$10,000. In addition, the violator is liable
6 for the state's legal expenses and other costs resulting from the
7 violation. Any funds recovered under this section must be transmitted
8 to the state treasurer for deposit in the general fund.

9 **Sec. 3.** RCW 29A.32.031 and 2020 c 208 s 11 are each amended to
10 read as follows:

11 The voters' pamphlet published or distributed under RCW
12 29A.32.010 must contain:

13 (1) Information about each measure for an advisory vote of the
14 people and each ballot measure initiated by or referred to the voters
15 for their approval or rejection as required by RCW 29A.32.070;

16 (2) In even-numbered years, statements, if submitted, from
17 candidates for the office of president and vice president of the
18 United States, United States senator, United States representative,
19 governor, lieutenant governor, secretary of state, state treasurer,
20 state auditor, attorney general, commissioner of public lands,
21 superintendent of public instruction, insurance commissioner, state
22 senator, state representative, justice of the supreme court, judge of
23 the court of appeals, or judge of the superior court. Candidates may
24 also submit campaign contact information and a photograph not more
25 than five years old in a format that the secretary of state
26 determines to be suitable for reproduction in the voters' pamphlet;

27 (3) In odd-numbered years, (~~if~~) for any office voted upon
28 statewide or any multicounty congressional or multicounty legislative
29 district that appears on the ballot due to a vacancy, (~~then~~)
30 statements and photographs for candidates for any vacant office
31 listed in subsection (2) of this section must appear;

32 (4) Contact information for the public disclosure commission
33 established under RCW 42.17A.100, including the following statement:
34 "For a list of the people and organizations that donated to state and
35 local candidates and ballot measure campaigns, visit www.pdc.wa.gov."
36 The statement must be placed in a prominent position, such as on the
37 cover or on the first two pages of the voters' pamphlet. The
38 secretary of state may substitute such language as is necessary for
39 accuracy and clarity and consistent with the intent of this section;

1 (5) Contact information for major political parties;

2 (6) A brief statement explaining the deletion and addition of
3 language for proposed measures under RCW 29A.32.080;

4 (7) A list of all student engagement hubs as designated under RCW
5 29A.40.180; and

6 (8) Any additional information pertaining to elections as may be
7 required by law or in the judgment of the secretary of state is
8 deemed informative to the voters.

9 **Sec. 4.** RCW 29A.32.060 and 2015 c 171 s 2 are each amended to
10 read as follows:

11 Committees shall write and submit arguments advocating the
12 approval or rejection of each statewide ballot issue and rebuttals of
13 those arguments. The secretary of state, the presiding officer of the
14 senate, and the presiding officer of the house of representatives
15 shall appoint the initial two members of each committee. In making
16 these committee appointments the secretary of state and presiding
17 officers of the senate and house of representatives shall consider
18 legislators, sponsors of initiatives and referendums, and other
19 interested groups known to advocate or oppose the ballot measure.
20 Committees must have the explanatory and fiscal impact statements
21 available before preparing their arguments.

22 The initial two members may select up to four additional members,
23 and the committee shall elect a chairperson. The remaining committee
24 member or members may fill vacancies through appointment.

25 After the committee submits its initial argument statements to
26 the secretary of state, the secretary of state shall transmit the
27 statements to the opposite committee. The opposite committee may then
28 prepare rebuttal arguments. Rebuttals may not interject new points.

29 The voters' pamphlet may contain text only argument statements
30 prepared according to this section. (~~Arguments may contain graphs
31 and charts supported by factual statistical data and pictures or
32 other illustrations. Cartoons~~) Graphs, charts, photographs,
33 cartoons, or caricatures are not permitted.

34 **Sec. 5.** RCW 29A.32.070 and 2016 c 83 s 1 are each amended to
35 read as follows:

36 The secretary of state shall determine the format and layout of
37 the voters' pamphlet published under RCW 29A.32.010. The secretary of
38 state shall print the pamphlet in clear, readable type on a size,

1 quality, and weight of paper that in the judgment of the secretary of
2 state best serves the voters. The pamphlet must contain a table of
3 contents. Measures and arguments must be printed in the order
4 specified by RCW 29A.72.290.

5 The secretary of state's name may not appear in the voters'
6 pamphlet in his or her official capacity if the secretary is a
7 candidate for office during the same year. His or her name may only
8 be included as part of the information normally included for
9 candidates.

10 The voters' pamphlet must provide the following information for
11 each statewide issue on the ballot except measures for an advisory
12 vote of the people whose requirements are provided in subsection (11)
13 of this section:

14 (1) The legal identification of the measure by serial designation
15 or number;

16 (2) The official ballot title of the measure;

17 (3) A statement prepared by the attorney general explaining the
18 law as it presently exists;

19 (4) A statement prepared by the attorney general explaining the
20 effect of the proposed measure if it becomes law;

21 (5) The fiscal impact statement prepared under RCW 29A.72.025;

22 (6) The total number of votes cast for and against the measure in
23 the senate and house of representatives, if the measure has been
24 passed by the legislature;

25 (7) An argument advocating the voters' approval of the measure
26 together with any statement in rebuttal of the opposing argument;

27 (8) An argument advocating the voters' rejection of the measure
28 together with any statement in rebuttal of the opposing argument;

29 (9) Each argument or rebuttal statement must be followed by the
30 names of the committee members who submitted them, and may be
31 followed by a telephone number that citizens may call to obtain
32 information on the ballot measure;

33 (10) The full text of the measure;

34 (11) (~~Two pages~~) Adequate space shall be provided in the
35 general election voters' pamphlet for each measure for an advisory
36 vote of the people under RCW 43.135.041 and shall consist of the
37 serial number assigned by the secretary of state under RCW
38 29A.72.040, the short description formulated by the attorney general
39 under RCW 29A.72.283, the tax increase's most up-to-date ten-year
40 cost projection, including a year-by-year breakdown, by the office of

1 financial management under RCW 43.135.031, and the names of the
2 legislators, and their contact information, and how they voted on the
3 increase upon final passage so they can provide information to, and
4 answer questions from, the public. For the purposes of this
5 subsection, "names of legislators, and their contact information"
6 includes each legislator's position (senator or representative),
7 first name, last name, party (~~(affiliation (for example, Democrat or~~
8 ~~Republican), city or town they live in)) preference, office phone
9 number, and office email address.~~

10 **Sec. 6.** RCW 29A.32.110 and 2003 c 111 s 811 are each amended to
11 read as follows:

12 All photographs of candidates submitted for publication must
13 conform to standards established by the secretary of state by rule.
14 No photograph may reveal clothing or insignia suggesting the holding
15 of a public office. No photograph may include hats, buttons, or
16 clothing showing words, insignia, or symbols.

17 **Sec. 7.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to
18 read as follows:

19 (1) The maximum number of words for statements submitted by
20 candidates is as follows: State representative, one hundred words;
21 state senator, judge of the superior court, judge of the court of
22 appeals, justice of the supreme court, and all state offices voted
23 upon throughout the state, except that of governor, two hundred
24 words; president and vice president, United States senator, United
25 States representative, and governor, three hundred words.

26 (2) Arguments written by committees under RCW 29A.32.060 may not
27 exceed two hundred fifty words in length.

28 (3) Rebuttal arguments written by committees may not exceed
29 seventy-five words in length.

30 (4) The secretary of state or county auditor shall allocate space
31 in the pamphlet based on the number of candidates or nominees for
32 each office.

33 **Sec. 8.** RCW 29A.32.210 and 2020 c 337 s 6 are each amended to
34 read as follows:

35 Before any primary or general election, or any special election
36 held under RCW 29A.04.321 or 29A.04.330, each county auditor shall
37 print and distribute a local voters' pamphlet. The pamphlet shall

1 provide information on all measures and candidates within that
2 (~~jurisdiction~~) county. The format of any local voters' pamphlet
3 shall, whenever applicable, comply with the provisions of this
4 chapter regarding the publication of the state candidates' and
5 voters' pamphlets.

6 **Sec. 9.** RCW 29A.32.220 and 2003 c 111 s 814 are each amended to
7 read as follows:

8 (1) Not later than ninety days before the publication and
9 distribution of a local voters' pamphlet by a county, the county
10 auditor shall notify each city, town, or special taxing district
11 located (~~wholly~~) within that county that a pamphlet will be
12 produced.

13 (2) (~~If a~~) All voters' (~~pamphlet is~~) pamphlets published by
14 the county (~~for a primary or general election, the pamphlet shall be~~
15 ~~published for~~) per RCW 29A.32.210 must include the elective offices
16 and ballot measures of the county and (~~for~~) the elective offices
17 and ballot measures of each unit of local government located
18 (~~entirely~~) within the county which will appear on the ballot at
19 that primary or election. (~~However, the offices and measures of a~~
20 ~~first-class or code city shall not be included in the pamphlet if the~~
21 ~~city publishes and distributes its own voters' pamphlet for the~~
22 ~~primary or election for its offices and measures. The offices and~~
23 ~~measures of any other town or city are not required to appear in the~~
24 ~~county's pamphlet if the town or city is obligated by ordinance or~~
25 ~~charter to publish and distribute a voters' pamphlet for the primary~~
26 ~~or election for its offices and measures and it does so.))~~

27 If the required appearance in a county's voters' pamphlet of the
28 offices or measures of a unit of local government would create undue
29 financial hardship for the unit of government, the legislative
30 authority of the unit may petition the legislative authority of the
31 county to waive this requirement. The legislative authority of the
32 county may provide such a waiver if it does so not later than sixty
33 days before the publication of the pamphlet and it finds that the
34 requirement would create such hardship.

35 (3) If a city, town, or district is located within more than one
36 county, (~~the respective county auditors may enter into an interlocal~~
37 ~~agreement to permit the distribution of each county's local voters'~~
38 ~~pamphlet into those parts of the city, town, or district located~~
39 ~~outside of that county)) all appropriate information for that~~

1 jurisdiction must appear in the local voters' pamphlet for each of
2 the counties containing the jurisdiction. Arguments, candidate
3 statements, and photographs must be submitted to the county auditor
4 of the county that accepted any resolutions or candidate filings for
5 that jurisdiction. The auditor that receives this information shall
6 provide it to the other county auditors after reviewing and accepting
7 the submissions.

8 ~~(4) ((If a first-class or code city authorizes the production and~~
9 ~~distribution of a local voters' pamphlet, the city clerk of that city~~
10 ~~shall notify any special taxing district located wholly within that~~
11 ~~city that a pamphlet will be produced. Notification shall be provided~~
12 ~~in the manner required or provided for in subsection (1) of this~~
13 ~~section.~~

14 ~~(5))~~ A unit of local government located within a county and the
15 county may enter into an interlocal agreement for the publication of
16 a voters' pamphlet for offices or measures not required by subsection
17 (2) of this section to appear in a county's pamphlet.

18 **Sec. 10.** RCW 29A.32.241 and 2020 c 208 s 12 are each amended to
19 read as follows:

20 (1) The local voters' pamphlet shall include but not be limited
21 to the following:

22 (a) Appearing on the cover, the words "official local voters'
23 pamphlet," the name of the jurisdiction producing the pamphlet, and
24 the date of the election or primary;

25 (b) A list of jurisdictions that have measures or candidates in
26 the pamphlet;

27 (c) Information on how a person may register to vote and obtain a
28 ballot;

29 (d) Candidate statements and photographs;

30 (e) The text of each measure accompanied by an explanatory
31 statement prepared by the prosecuting attorney for any county measure
32 or by the attorney for the jurisdiction submitting the measure if
33 other than a county measure. All explanatory statements for city,
34 town, or district measures not approved by the attorney for the
35 jurisdiction submitting the measure shall be reviewed and approved by
36 the county prosecuting attorney or city attorney, when applicable,
37 before inclusion in the pamphlet;

38 ~~((e))~~ (f) The arguments for and against each measure submitted
39 by committees selected pursuant to RCW 29A.32.280; and

1 ~~((f))~~ (g) A list of all student engagement hubs in the county
2 as designated under RCW 29A.40.180 ~~(; and~~

3 ~~(g) For partisan primary elections, information on how to vote~~
4 ~~the applicable ballot format and an explanation that minor political~~
5 ~~party candidates and independent candidates will appear only on the~~
6 ~~general election ballot)).~~

7 (2) The county auditor's name may not appear in the local voters'
8 pamphlet in his or her official capacity if the county auditor is a
9 candidate for office during the same year. His or her name may only
10 be included as part of the information normally included for
11 candidates.

12 **Sec. 11.** RCW 29A.32.250 and 2003 c 111 s 817 are each amended to
13 read as follows:

14 ~~((If the legislative authority of a county or first-class or code~~
15 ~~city provides for the inclusion of candidates in the local voters'~~
16 ~~pamphlet, the pamphlet)) Local voters' pamphlets shall include
17 ~~((the)) candidate statements ~~((from candidates and may also include))~~
18 that have been accepted by the county auditor and those candidates'
19 photographs.~~~~

20 **Sec. 12.** RCW 29A.32.260 and 2011 c 10 s 30 are each amended to
21 read as follows:

22 As soon as practicable before the primary, special election, or
23 general election, the county auditor ~~((, or if applicable, the city~~
24 ~~clerk of a first-class or code city, as appropriate,)) shall mail the
25 local voters' pamphlet to every residence in each jurisdiction ~~((that~~
26 ~~has included information)) within the county for all jurisdictions
27 participating in the associated primary or election for which
28 election information is included in the pamphlet. The county auditor
29 ~~((or city clerk, as appropriate,)) may choose to mail the pamphlet to
30 each registered voter in each jurisdiction that has ~~((included~~
31 ~~information in the pamphlet)) a primary or election, if in his or her
32 judgment, a more economical and effective distribution of the
33 pamphlet would result.~~~~~~~~

34 **Sec. 13.** RCW 29A.32.280 and 2015 c 146 s 3 are each amended to
35 read as follows:

36 For each measure from a unit of local government ~~((that is))~~
37 included in a local voters' pamphlet, the legislative authority of

1 that jurisdiction shall, not later than the resolution deadline,
2 formally appoint a committee to prepare arguments advocating voters'
3 approval of the measure and shall formally appoint a committee to
4 prepare arguments advocating voters' rejection of the measure. The
5 authority shall appoint persons that reside within the jurisdictional
6 boundaries known to favor the measure to serve on the committee
7 advocating approval and shall, whenever possible, appoint persons
8 known to oppose the measure to serve on the committee advocating
9 rejection, these committee members must reside within the
10 jurisdictional boundaries. Each committee shall have not more than
11 three members, however, a committee may seek the advice of any person
12 or persons. If the legislative authority of a unit of local
13 government fails to make such appointments by the prescribed
14 deadline, the county auditor shall (~~whenever possible make the~~
15 ~~appointments~~) issue a media release and publish information on their
16 election website announcing the opportunity to form committees and
17 provide statements. If the legislative authority fails to make
18 appointments, the auditor shall make appointments on a first-come,
19 first-served basis if qualified committee members contact the auditor
20 by the appropriate deadline. If no statement is produced the auditor
21 shall include a statement in the pamphlet stating that the district
22 failed to make appointments and there are no statements for that
23 measure.

24 NEW SECTION. Sec. 14. This act takes effect January 1, 2023."

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25 On page 1, line 1 of the title, after "pamphlets;" strike the
26 remainder of the title and insert "amending RCW 29A.32.010,
27 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.110,
28 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.241, 29A.32.250,
29 29A.32.260, and 29A.32.280; and providing an effective date."

EFFECT: (1) Restores current law regarding requirements for candidate and ballot measure statements in voters' pamphlets.

(2) Removes requirement that the Secretary of State publish administrative rules for the publication of local voters' pamphlets.

(3) Removes section modifying the deadline for OFM to prepare fiscal impact statements on ballot measures.

(4) Changes the bill's effective date from January 1, 2022, to January 1, 2023.

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